

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7979 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

ALVI COOPERATIVE BANK LIMITED

Versus

ZAKIRHUSSAIN FAKRUDDIN MARCHAWALA

Appearance:

1. Special Civil Application No. 7979 of 2003
MR BS PATEL for Petitioner No. 1-9
MRS RANJAN B PATEL for Petitioner No. 1-9
MR SK BUKHARI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 20/12/2004

ORAL JUDGEMENT

1. The petitioners herein, have challenged the order dated 17th May, 2003 below Exh. 5 application in Lavad Case No.550/2003 at annexure-A passed by Joint Registrar, and Member Board of Nominees, Vadodara as well as order dated 5th June, 2003 at annexure-B passed by the Gujarat State Co-operative Tribunal, Ahmedabad in Revision Application No. 208/2003, whereby the Tribunal has

passed the following order :-

"Ad interim injunction application filed by the applicants is rejected, and no ad interim injunction is granted. No order as to costs. The matter be placed on Board on 20th June, 2003 for hearing. Ex-parte ad interim injunction granted is hereby vacated."

2. I have heard the learned advocates for the respective parties and have perused the relevant record. It appears that while entertaining the Suit, the Board of Nominees below Exh. 5 application had vide order dated 17th May, 2003 granted interim relief in terms of para 6 (1). However, this Court while, admitting the matter, had granted interim relief, whereby the order passed by the Board below Exh. 5 application dated 17th May, 2003 as well order dated 5th June, 2003 passed by the Tribunal were stayed.

2.1. However, on the facts and circumstances of the case, I am of the opinion, that ends of justice would be met, if the following directions are issued :-

2.2. It is directed that the Board of Nominees shall expedite the hearing of the suit being Lavad Suit No. 550 of 2003, if it is not disposed of so far and shall complete the hearing and disposed of the same, in accordance with law, within a period of three months from the date of receipt of the writ of order of this Court. Further, in the meantime, interim relief granted by this Court shall continue till the final disposal of the Suit.

3. With the above observation and directions, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs. D.S.P.

[K.S. JHAVERI, J.]

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